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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/754,871

01/09/2004

Andrew Vaccaro

492/1/001

8680

170

7590

09/29/2005

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/754,871

Applicant(s)

VACCARO, ANDREW

Examiner

Steven M. Marsh

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01092004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first office action for U.S. Application 10/754,871 for a Raisable Pedestal Containing Electronic Components filed by Andrew Vaccaro on January 9, 2004. Claims 1-23 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 11, and 22 Applicant appears to be claiming the ground. Claim 8 recites the limitation "said inner shell" in line 4. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,984,139 to Goggia. Goggia discloses a raisable pedestal with an enclosed housing (12-14) fixed to a ground surface. There is a guide arrangement (24 and 26)

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mounted within the housing and an inner support (18) mounted for movement along the guide arrangement between a retracted position entirely within the housing and an extended position extending out from the housing. The inner support includes an arrangement (19) for supporting electronic components in a manner to render the components accessible when the inner support extends from the housing. There is a driving arrangement (21) for moving the inner support along the guide arrangement between the retracted and extended positions, and a control (34) connected with the driving arrangement for controlling the driving arrangement to move the inner support between the retracted and extended positions. The driving arrangement is movable with the inner support along the guide arrangement and there is a switch (28) for controlling the driving arrangement to move the inner support between the retracted and extended position.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,974,134 to Bourne in view of U.S. Patent 3,856,092 to Mann. Bourne discloses a raisable pedestal with an enclosed housing (14) fixed to a ground surface. There is an inner support (12) mounted for movement between a retracted

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position entirely within the housing and an extended position extending out from the housing. The inner support includes an arrangement (at 40) for supporting electronic components in a manner to render the electronic components accessible when the inner support extends out from the housing. There is a driving arrangement (48, 54, 56) for moving the inner support between the retracted and extended positions and a control switch (112) is connected with the driving arrangement to move the support between the positions. The inner support includes a shell with sidewalls (32) and at least an opening and there is a rack (28) connected to the sidewall. The shell has a top plate (34) that closes the upper end of the enclosed housing when the inner support is in the retracted position and the top plate includes a seal (98) therearound for providing a seal between the top plate and the upper end of the enclosed housing. The driving arrangement is movable with the inner support, and there is a spring arrangement (148) positioned below the inner shell.

Bourne does not disclose upwardly extending guide rods within the housing. Mann discloses a telescoping arrangement utilizing a plurality of upwardly extending guide rods (42) that extend through apertures in a base (26) for aligning two telescoping objects (16 and 24). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided upwardly extending guide rods to extend through apertures provided in the base of the inner shell taught by Bourne, as taught by Mann, to provide additional alignment for the telescoping parts of the pedestal. Bourne in view of Mann does not disclose a precipitation sensor for detecting precipitation. However, Bourne does disclose a sensor connected to a control for controlling the

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driving arrangement to move the inner support to retracted and extended positions upon light detection (see col. 5, lines 60-64). Applicant discloses that water sensors for activating devices when precipitation is detected are well known in the art (see page 1, lines 13-17 of specification). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the light sensor taught by Bourne in view of Mann, with a water sensor as taught by the prior art, to activate the control means using precipitation, rather than light, to protect it from water.

Claims 10 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourne in view of Mann, and in further view of Goggia. Bourne in view of Mann fails to disclose a driving arrangement including a piston with an extensible and retractable rod that has a free end connected with the inner shell for moving the inner shell along the guide rods. Goggia discloses a raisable pedestal as discussed above. However, Goggia also discloses a piston (43,44,45) with an extensible and retractable rod with one end connected to the inner shell as an alternative driving arrangement to the motor and threaded shaft discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have replaced the driving arrangement of a motor and threaded shaft taught by Bourne in view of Mann, with a piston arrangement as taught by Goggia, as a known equivalent driving means that reduces internal movement of the pedestal.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,072,345 to Goggia

U.S. Patent 4,180,850 to Bivens

U.S. Patent 5,628,558 to Iacono et al.

U.S. Patent 5,130,916 to Toth

U.S. Patent 5,068,773 to Toth

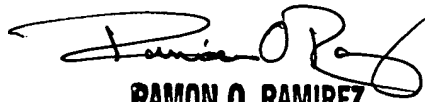
The above patents all disclose pedestal arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

September 20, 2005



**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**  
**ART UNIT 355-3632**